THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8088 OF 2005

DATE:21.09.2005

Between:

Smt Ghantasala Malleswari,

W/o.Late G.Pitcheswara Rao,

Aged 50 years, Occ: House Wife,

R/o.Arundalpet, Pamarru,

Krishna District.

…… Petitioner

And

The Krishna District Milk Producers Mutually Aided

Cooperative Union Limited, Milk Products Factory,

Vijayawada and another

…… Respondents

ORDER:

The husband of the petitioner, by name, G.Pitcheswara Rao, was employed as a dairy assistant in Milk Chilling Centre, at Pamarru, one of the units of 1st respondent. He died on 21.09.2003, while in service. The petitioner made an application for appointing her son on compassionate grounds. On consideration of that application, the respondents passed an order, dated 04.01.2005, to the effect that they are not inclined to provide any employment on compassionate grounds to the petitioner or any of his family members and instead chosen to extend the financial assistance to a tune of Rs.25,000/-. The grievance of the petitioner is that though several requests have been made to the respondents for payment of the terminal benefits, such as, Gratuity, Provident Fund etc., and the amount of Rs.25,000/-, in lieu of compassionate appointment, no steps have been taken thereon.

On behalf of the respondents, a counter affidavit is filed. They took an exception to

the maintainability of the writ petition itself. They did not deny the allegation that the amounts payable on the death of the husband of the petitioner was not released as yet. It is pleaded that non-release of the said amounts was on account of the orders of attachment passed by various Courts.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is not in dispute that the husband of the petitioner was employed with the respondents and died in harness. The legal representatives of the said employee were entitled for two sets of benefits, viz., all the terminal benefits, such as, Provident Fund, Gratuity etc., as well as a sum of Rs.25,000/-, in lieu of providing compassionate appointment. Though two years have elapsed, the said amounts were not released. Reference is made to various orders of different Courts. Unless the legal representatives of the deceased employee were brought on record in those proceedings, the respondents cannot withhold the amounts. At any rate, the amount payable towards Gratuity cannot be the subject matter of any attachment. It is represented that there are no disputes among the legal representatives of the deceased employee.

Hence, the writ petition is disposed of directing the respondents to release the retirement benefits as well as the sum of Rs.25,000/-, in lieu of compassionate appointment, to the petitioner, within one month from the date of receipt of a copy of this order, after obtaining consent from the other legal representatives of late Picheswara Rao. The respondents shall honour such orders of attachment by any Civil Court, to which the petitioner is a party. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

21st SEPTEMBER, 2005.

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